IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 347 of 2001

WITH

CRIMINAL MISC. APPLICATION NO.1578 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RAMESHBHAI MAKANBHAI BHAKTA

Versus

STATE OF GUJARAT

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Appearances:

Criminal Misc.Application no.347/2001

MR. J.M. Panchal with BK DAVE for Petitioner
Mr. H.L. Jani, A.P.P. for Respondent No. 1
Mr. B.M. Mehta, for Respondent No. 2

Criminal Misc.Application no.1578/2001

Mr.D.D.Vyas, Advocate for Vyas Associates on behalf of the petitioner.
Mr. H.L.Jani, APP for respondent no.1
Mr. B.K. Dave, Adv. for the respondent no.2.

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 09/03/2001

COMMON ORAL JUDGEMENT

Heard learned Advocate Mr. J.M. Panchal with ld. Advocate Mr. B.K. Dave on behalf of the petitioner of Criminal Misc.Application no.347/2000.

1. Rule. Learned A.P.P. Mr. H.L. Jani waives service of rule on behalf of the respondent no.1-State while learned Advocate Mr. B.M. Mehta waives service on behalf of the respondent no.2.

Heard learned Advocate Mr. D.D. Vyas for Vyas Associates on behalf of the petitioner of Misc. Criminal Application no.1578/2001.

2. Rule. Learned A.P.P. Mr. H.L. Jani waives service on behalf of the respondent no.1-State while learned Advocate Mr. B.K. Dave waives service on behalf of the respondent no.2.

3. Misc. Criminal Application no.347/2001 is filed by one R.M. Bhakta with a prayer to quash and set aside the criminal complaint registered vide CR no.394/2000 filed by one Hemalkumar Somani of Hindalco Co. before Incharge Police Officer, Umargaon for the offences made punishable under Secs.323,504, 506(2) and 114, IPC while Misc. Criminal Application no.1578/2001 is filed by one Habi Jang Gurung and Jaydeepsinh Jitendrasinh Sisodiya with a prayer to quash and set aside the criminal complaint bearing no.I 393/2000 filed by one G.C. Patel, RTO Inspector, Bhilad Check Post against the petitioners and others at Umargaon Police Station for the offences made punishable under Secs.143, 324, 323, 332, 504, 186 and 506(2), IPC.

The above stated matters being cognate, arising from the above stated criminal complaints, with the consent of parties, they are taken up for final hearing and are being disposed of by this common order.

4. That above stated both the complaints have arisen from an unfortunate incident occurred on 24-12-2000 at around 18.30 near Bhilad, RTO Check Post. That the officials of one Hindalco Co. had gone to play a cricket tournament at Velvada Mehta Stadium which was organized as Inter Industrial Cricket Tournament and the said

officers travelled through a minibus and were returning to Selvas. When the bus reached near Naroli Check Post it was stopped by RTO Officer at Bhilad Check Post who enquired about the permit and other necessary requisite documents required to be carried by a public carrier transporting the passengers. That on account of some misunderstanding during the discussion between the RTO Officer and his staff members with the passengers of the said mini bus, said incident has taken place whereby the complaint through RTO Inspector G.C. Patel is filed against the passengers and the driver of the said minibus for the offences as stated hereinabove which is registered at CR no.I 393/2000 at Umargaon Police Station. Similarly, criminal complaint bearing CR no.394/2000 is filed by the officials of the Hindalco Co. who were passengers in a mini bus against one R.M. Bhakta, the RTO Officer at Bhilad Check Post, Umargaon, for the offences as stated herein above.

5. That after the lodging of the complaint, on intervention of well-wishers of the parties, it was clarified that on account of the statement made by the driver, it was found that the composite tax from November, 2000 to January, 2001 was outstanding in respect to said minibus and the owners having come at the scene of the incident have paid the said amount alongwith penalty and other amount for which due receipt is issued by the RTO Officer for an aggregate amount of Rs.63,000/-, copy of which is produced at Annexure "E" on page 31 of Criminal Misc. Application no.347/2001 and owner has filed affidavit which is produced at Annexure "D" where he has stated that if any amount is found outstanding they shall pay and abide by the same. That on intervention of the said well-wisher, settlement is arrived at between the parties of above stated criminal complaints and the driver as well as the passengers of the minibus have expressed regret in respect to the said incident of hot exchange of words and minor scuffle and as they did not intend to prevent the RTO Officer and his staff members from due discharge of their duties and they are prepared to give their statement before the police authorities to clarify that at the relevant time they were not aware of the fact that amount of composite tax and other charges payable in respect to said minibus was outstanding, and as such, demand made by the RTO Officer and his staff members were misconstrued as an amount of bribe demanded by them, and thereby, such statements are made in the complaint.

6. On the basis of the above stated fact, learned Advocate Mr. D.D. Vyas appearing for the petitioner of

Misc. Cri.Application no.1578/2001 and learned Advocate Mr. J.M. Panchal appearing for the petitioner of Misc. Criminal Application no.347/2001 have stated at the Bar that though the petitioners have filed respective petitions to quash the complaints against them, the parties have settled the dispute amicably, and as such, appropriate direction to Investigating Officer may be given.

7. The learned Advocate representing the petitioner(R.M.Bhakta) of Misc. Criminal Application no.347/2000 has also stated at the Bar that the petitioner as well as his staff members shall also clarify their statement made in the complaint that driver as well as the passengers of minibus have gathered together on account of said incident and on apprehension, it was construed that they were preventing the officers from discharging their due duties, but as the said misunderstanding is clarified, it does not amount to causing obstruction in discharging due duties of a public servants.

8. On the basis of the abovesaid statement made on behalf of the respective parties, learned A.P.P. Mr. H.L. Jani has stated at the Bar that investigation of complaint registered vide CR no.394/2000 is now taken over by D.Y.S.P. Mr. A.A. Desai while investigation of CR no.393/2000 is being carried out by Senior Sub Inspector Mr. J.K. Jhala of Umargaon Police Station to whom appropriate directions may be given in the interest of justice.

9. In that view of the matter, the Investigating Officer of CR no.393/2000 as well as 394/2000 are directed to record necessary further statement of the parties and to complete the investigation as early as possible and to file the report in the Court in accordance with law, keeping in mind, the settlement arrived at between the parties, facts of which , are stated hereinabove.

Subject to the above stated direction, both these petitions stand disposed of. Rule is discharged in each matter.

(A.K.Trivedi,J.)

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